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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,206	02/18/2004	Ben M. Cooper	BO1 - 0137US	5282
60483 7590 04/17/2007 LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201			EXAMINER LE, HUYEN D	
			ART UNIT	PAPER NUMBER
			3751	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/17/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/782,206

Applicant(s)

BEN COOPER

Examiner

Huyen Le

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 20 and 22-31 is/are pending in the application.
- 4a) Of the above claim(s) 6, 9, 10 and 20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-28 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7, 11, 12, 25-27 and 29 is/are rejected.
- 7) ☒ Claim(s) 4, 8, 13, 14, 28, 30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No: _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: a floor and a ceiling. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

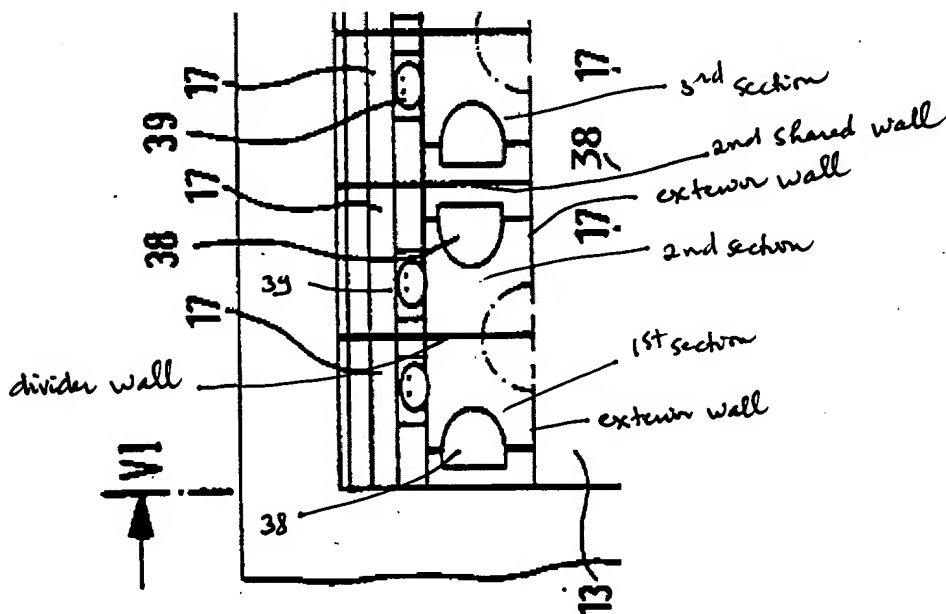
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5, 7, 11, 12, 25, 26, 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwertfeger et al (5,574,260).

The Schwertfeger et al reference discloses lavatory unit (Fig. 5) comprising a floor 5 (Fig. 6); a ceiling 3 (Fig. 6); a plurality of exterior walls (see a section of Fig. 5 below) coupled to the floor 5 and the ceiling 3, at least two of the exterior walls (the interior side walls near the corridor or waiting area 13 shown in Figs. below) lying in intersecting planes; a first section including a sit-down commode 38 (the 1st toilet area from the bottom in a section of Fig. 5 below); a second section (adjacent to the 1st toilet area) including a sink 39; and a divider wall (as labeled between two toilet areas in a section of Fig. 5 below) for separating the first and second sections, wherein the divider wall includes a planar divider, wherein the planar divider lies in a third plane intersecting both of the intersecting planes.



Regarding claim 2, the first section also includes a sink 39.

Regarding claim 5, a third section (the 3rd toilet area from the bottom of a section of Fig. 5 above) that shares a first shared wall (the ceiling wall 3 in Fig. 6) with a first

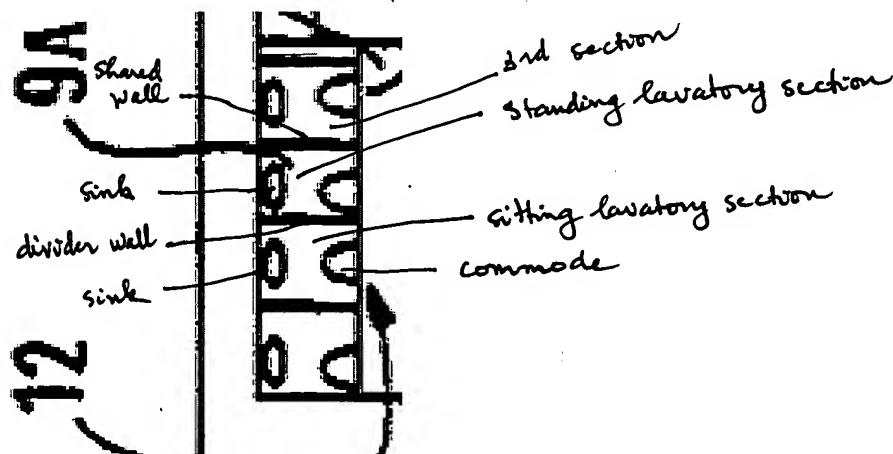
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section and a second shared wall (the dividing wall between the 2nd toilet area and the 3rd toilet area) with the second section, wherein the third section (the 3rd toilet area) is accessible from the outside of the first section and the second section.

Regarding claim 7, the third section includes a trash compartment 17.

Regarding claims 11 and 12, the unit is configured to mount in an aircraft.

Regarding claim 25, the Schwertfeger et al reference discloses an aircraft (Fig. 2) comprising a fuselage 1, a propulsion system inherently included, a plurality of exterior walls separating the sections of the lavatory unit from other portions of the aircraft (see a section of Fig. 2 below), the plurality of walls defining a footprint of the lavatory unit, a sitting lavatory section including a sit-down commode and partially occupying the footprint (as labeled in a section of Fig. 2 below); and standing lavatory section including at least a sink (as labeled in a section of Fig. 2 below); an adjoining divider wall configured to separate the lavatory unit into the sitting and standing lavatory sections, the divider disposed such that the standing lavatory section (as labeled below) occupies a minority portion of the footprint and the standing lavatory section inaccessible from the sitting lavatory section.



Regarding claim 26, the sitting lavatory section also includes a sink (shown as an oval in Fig. 2).

Regarding claim 29, a third section (as labeled in a section of Fig. 2 above) that shares a wall (the ceiling wall 3 in Fig. 6) with the sitting lavatory section and a wall (the dividing wall between) with the standing lavatory section, wherein the third section is accessible from the outside of the sitting lavatory section and the standing lavatory section.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwertfeger et al (5,474,260) in view of Itakura (D487,137).

Although the Schwertfeger et al reference does not disclose the first section includes a foldable baby-changing table, attention is directed to the Itakura reference which teaches a foldable baby-changing table in a lavatory (Fig. 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the Schwertfeger et al lavatory with a foldable baby changing table in view of the teaching of the Itakura reference for facilitating changing diapers in the lavatory.

Allowable Subject Matter

6. Claims 4, 8, 13, 14, 28, 30 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 15-18 and 22-24 are allowed.

Response to Arguments

8. Applicant's arguments on 01/25/2007 with respect to claims 1 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Le whose telephone number is 571-272-4890. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Huyen Le
Primary Examiner
Art Unit 3751

HL